

Introduced by Senator Figueroa

February 23, 2001

An act to amend Sections 7583.7, 7587.7, 7587.8, 7587.9, 7587.10, 7587.12, and 7588 of, the Business and Professions Code, relating to private security services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 722, as introduced, Figueroa. Private security services.

The Private Security Services Act provides for the licensure and regulation by the Department of Consumer Affairs and its Bureau of Security and Investigative Services of persons engaged in the provision of private security services and requires, among other matters, that a person entering the employ of a private security service take a 2-hour training class regarding the power to arrest. The act also authorizes the Director of Consumer Affairs to assess fines in specified sums for the violation of certain of the act's provisions and to cite violators and impose a fine not to exceed the lesser of \$1,000 or the amount otherwise specified by the act. Existing law additionally specifies the amount of fees charged for licensing-related functions under the act and provides for the deposit of these fees as well as fines into the Private Security Services Fund, which is continuously appropriated.

This bill would change the length of the power to arrest training class required by the act to an unspecified duration and would change the amount of fees charged for licensing-related functions and the amount of fines assessed for various violations to an unspecified sum. The bill would also increase to \$2,500 the alternative minimum civil penalty amount that the director is authorized to assess in connection with a citation. Because this bill would thereby increase the amount of fee and

fine revenue deposited into a continuously appropriated fund, it would make an appropriation.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7583.7 of the Business and Professions
2 Code is amended to read:

3 7583.7. (a) The course of training in the exercise of the power
4 to arrest may be administered, tested, and certified by any licensee.
5 The department may approve any person or school to teach the
6 course in the exercise of the power to arrest. The course of training
7 shall be approximately ~~two~~ ____ hours in length and shall cover
8 the following topics:

- 9 (1) Responsibilities and ethics in citizen arrest.
10 (2) Relationship with the public police in arrest.
11 (3) Limitations on security guard power to arrest.
12 (4) Restrictions on searches and seizures.
13 (5) Criminal and civil liabilities.
14 (A) Personal liability.
15 (B) Employer liability.

16 (b) The department shall make available a guidebook as a
17 standard for teaching the course in the exercise of the power to
18 arrest. The department shall encourage additional training and
19 may provide a training guide recommending additional courses to
20 be taken by security personnel.

21 (c) The bureau may inspect, supervise, or view the
22 administration of the test at any time and without any prior
23 notification. Any impropriety in the administration of the course
24 or the test shall constitute grounds for disciplinary action.

25 SEC. 2. Section 7587.7 of the Business and Professions Code
26 is amended to read:

27 7587.7. If, upon investigation, the director determines a
28 licensee, including a corporation, or registrant is in violation of
29 Section 7583.2, 7583.3, 7583.37, 7585.19, 7587.2, or 7587.14, the
30 director may issue a citation to the licensee or registrant. The
31 citation shall be in writing and shall describe with particularity the
32 nature of the violation, including specific reference to the
33 provision of law determined to have been violated. If the director

deems it appropriate, the citation may contain an order of abatement fixing a reasonable time for abatement of the violation and may contain an assessment of an administrative fine. The amount of the fine shall in no event exceed ~~one~~ *two thousand five hundred* dollars ~~(\$1,000)~~ *(\$2,500)* for each violation or as otherwise provided in this chapter, whichever is less.

A citation or fine assessment shall inform the licensee or registrant that if he or she contests the finding of a violation, ~~they~~ *he or she* may request a review by a disciplinary review committee in accordance with Section 7581.3. If a review is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. If a review is not allowed under this chapter, a licensee or registrant may request a hearing in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if he or she wishes to contest the findings of a violation, and if a hearing is not requested, payment of any fines shall not constitute an admission of the violation charged.

If the licensee or registrant neither requests a review, nor pays the assessed fine within 30 days of the assessment, the license or registration of the person shall not be renewed pursuant to the provisions of this chapter until the assessed fine is paid.

Administrative fines collected pursuant to this article shall be deposited in the Private Security Services Fund, which fund is hereby created to carry out the purposes of this chapter.

SEC. 3. Section 7587.8 of the Business and Professions Code is amended to read:

7587.8. The director may assess fines for the following acts pursuant to Article 4 (commencing with Section 7583) only as follows:

(a) Violation of subdivisions (a), (b), and (c) of Section 7583.2; ~~twenty-five~~, ____ dollars ~~(\$25)~~ (\$____) per violation.

(b) Violation of subdivisions (h) and (i) of Section 7583.2; ~~twenty-five~~, ____ dollars ~~(\$25)~~ (\$____) for the first violation and ~~one hundred~~ ____ dollars ~~(\$100)~~ (\$____) per violation for each violation thereafter.

(c) Violation of subdivision (d) of Section 7583.2; ~~one hundred~~, ____ dollars ~~(\$100)~~ (\$____) per violation.

(d) Violation of subdivision (g) of Section 7583.2; ~~two hundred fifty~~, ____ dollars ~~(\$250)~~ (\$____) per violation.

(e) Violation of subdivision (f) of Section 7583.2; ~~two thousand five hundred~~, ____ dollars ~~(\$2,500)~~ (\$____) per violation, notwithstanding any other provision of law.

SEC. 4. Section 7587.9 of the Business and Professions Code is amended to read:

7587.9. The director may assess fines for the following acts pursuant to Article 4 (commencing with Section 7583) only as follows:

(a) Violation of subdivisions (a) and (b) of Section 7583.3; ~~ten~~, ____ dollars ~~(\$10)~~ (\$____) per violation.

(b) Violation of subdivision (c) of Section 7583.3; ~~twenty-five~~, ____ dollars ~~(\$25)~~ (\$____) for the first violation and ~~one hundred~~ ____ dollars ~~(\$100)~~ (\$____) per violation for each violation thereafter.

(c) Violation of Section 7583.4; ~~twenty-five~~, ____ dollars ~~(\$25)~~ (\$____) for the first violation and ~~one hundred~~ ____ dollars ~~(\$100)~~ (\$____) per violation for each violation thereafter.

SEC. 5. Section 7587.10 of the Business and Professions Code is amended to read:

7587.10. The director may assess fines for the following acts pursuant to Article 4 (commencing with Section 7583) only as follows:

(a) Violation of subdivisions (c) and (d) of Section 7583.37; ~~twenty-five~~, ____ dollars ~~(\$25)~~ (\$____) for the first violation and ~~one hundred~~ ____ dollars ~~(\$100)~~ (\$____) for each violation thereafter.

(b) Violation of subdivision (a) of Section 7583.37; ~~one hundred~~, ____ dollars ~~(\$100)~~ (\$____) for the first violation and ~~five hundred~~ ____ dollars ~~(\$500)~~ (\$____) for each violation thereafter.

(c) Violation of subdivision (e) of Section 7583.37; ~~five hundred~~, ____ dollars ~~(\$500)~~ (\$____) for each violation.

(d) Violation of subdivision (b) of Section 7583.37; ~~five hundred~~, ____ dollars ~~(\$500)~~ (\$____) for the first violation and suspension of a firearm qualification card for six months for each violation thereafter.

SEC. 6. Section 7587.12 of the Business and Professions Code is amended to read:

7587.12. The director may assess fines for the following acts only as follows:

(a) Violations of paragraph (1), (2), (11), or (12) of subdivision (a) of Section 7585.19; ~~twenty-five~~, ____ dollars ~~(\$25)~~ (\$____) for each violation.

(b) Violations of paragraph (3), (7), (8), or (10) of subdivision (a) of Section 7585.19; ~~one hundred~~, ____ dollars ~~(\$100)~~ (\$____) for each violation.

(c) Violations of paragraph (6) of subdivision (a) of Section 7585.19; ~~two hundred fifty~~, ____ dollars ~~(\$250)~~ (\$____) for each hour *the course has been shortened*.

(d) Violations of paragraph (4) of subdivision (a) of Section 7585.19; ~~five hundred~~, ____ dollars ~~(\$500)~~ (\$____) for each violation.

(e) Violations of paragraph (5) of subdivision (a) of Section 7585.19; ~~five hundred~~, ____ dollars ~~(\$500)~~ (\$____) for ~~every~~ *each* hour the course has been shortened.

(f) Violations of paragraph (9) of subdivision (a) of Section 7585.19; ~~one thousand~~, ____ dollars ~~(\$1,000)~~ (\$____) for each violation.

SEC. 7. Section 7588 of the Business and Professions Code is amended to read:

7588. The fees prescribed by this chapter are as follows:

(a) The application and examination fee for an original license for a private patrol operator may not exceed ~~two hundred~~ ____ dollars ~~(\$200)~~ (\$____).

(b) The application fee for an original branch office certificate for a private patrol operator may not exceed ~~seventy-five~~ ____ dollars ~~(\$75)~~ (\$____).

(c) The fee for an original license for a private patrol operator may not exceed ~~five hundred~~ ____ dollars ~~(\$500)~~ (\$____).

(d) The renewal fee is as follows:

(1) For a license as a private patrol operator, the fee may not exceed ~~five hundred~~ ____ dollars ~~(\$500)~~ (\$____).

(2) For a combination license as a private investigator under Chapter 11.3 (commencing with Section 7512) and private patrol operator, AC or DC prefix, the fee may not exceed ~~six hundred~~ ____ dollars ~~(\$600)~~ (\$____).

(3) For a branch office certificate for a combination private investigator under Chapter 11.3 (commencing with Section 7512) and private patrol operator, the fee may not exceed ~~forty~~ ____

1 dollars ~~(\$40)~~ (\$____), and for a private patrol operator, the fee may
2 not exceed ~~seventy-five~~ ____ dollars ~~(\$75)~~ (\$____).

3 (e) The delinquency fee is 50 percent of the renewal fee in
4 effect on the date of expiration.

5 (f) A reinstatement fee is equal to the amount of the renewal fee
6 plus the regular delinquency fee.

7 (g) The fee for reexamination of an applicant or his or her
8 manager may not exceed ~~twenty~~ ____ dollars ~~(\$20)~~ (\$____).

9 (h) Registration fees pursuant to this chapter are as follows:

10 (1) A registration fee for a security guard may not exceed
11 ~~twenty-five~~ ____ dollars ~~(\$25)~~ (\$____).

12 (2) A security guard registration renewal fee may not exceed
13 ~~twenty-five~~ ____ dollars ~~(\$25)~~ (\$____).

14 (i) Fees to carry out other provisions of this chapter are as
15 follows:

16 (1) A firearms qualification fee may not exceed ~~eighty~~ ____
17 dollars ~~(\$80)~~ (\$____).

18 (2) A firearms requalification fee may not exceed ~~sixty~~ ____
19 dollars ~~(\$60)~~ (\$____).

20 (3) An initial baton certification fee may not exceed ~~fifty~~ ____
21 dollars ~~(\$50)~~ (\$____).

22 (4) An application fee and renewal fee for certification as a
23 firearms training facility or a baton training facility may not
24 exceed ~~five hundred~~ ____ dollars ~~(\$500)~~ (\$____).

25 (5) An application fee and renewal fee for certification as a
26 firearms training instructor or a baton training instructor may not
27 exceed ~~two hundred fifty~~ ____ dollars ~~(\$250)~~ (\$____).

28 This section shall become operative July 1, 1998.
29 Notwithstanding the operative date of this section, before, on, or
30 after July 1, 1998, the bureau may adopt regulations specifying the
31 fees authorized by this section. If the bureau does not have
32 regulations in effect that delineate the specific fees authorized by
33 this section by July 1, 1998, the schedule of fees in effect as of June
34 30, 1998, shall remain operative until the bureau adopts
35 regulations specifying the fees.